

Senate Study Bill 3108 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MATHIS)

A BILL FOR

1 An Act providing for the licensure of clinical art therapists,
2 making penalties applicable, providing for fees, and
3 including effective date and implementation provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 135.24, subsection 7, paragraph d, Code
2 2016, is amended to read as follows:

3 *d. "Health care provider"* means a physician licensed under
4 chapter 148, a chiropractor licensed under [chapter 151](#), a
5 physical therapist licensed pursuant to [chapter 148A](#), an
6 occupational therapist licensed pursuant to [chapter 148B](#),
7 a podiatrist licensed pursuant to [chapter 149](#), a physician
8 assistant licensed and practicing under a supervising physician
9 pursuant to [chapter 148C](#), a licensed practical nurse, a
10 registered nurse, or an advanced registered nurse practitioner
11 licensed pursuant to [chapter 152](#) or [152E](#), a respiratory
12 therapist licensed pursuant to [chapter 152B](#), a dentist, dental
13 hygienist, or dental assistant registered or licensed to
14 practice under [chapter 153](#), an optometrist licensed pursuant to
15 chapter 154, a psychologist licensed pursuant to [chapter 154B](#),
16 a social worker licensed pursuant to [chapter 154C](#), a mental
17 health counselor, a clinical art therapist, or a marital and
18 family therapist licensed pursuant to [chapter 154D](#), a speech
19 pathologist or audiologist licensed pursuant to [chapter 154F](#), a
20 pharmacist licensed pursuant to [chapter 155A](#), or an emergency
21 medical care provider certified pursuant to [chapter 147A](#).

22 Sec. 2. Section 147.1, subsections 3 and 6, Code 2016, are
23 amended to read as follows:

24 3. "*Licensed*" or "*certified*", when applied to a physician
25 and surgeon, podiatric physician, osteopathic physician and
26 surgeon, physician assistant, psychologist, chiropractor,
27 nurse, dentist, dental hygienist, dental assistant,
28 optometrist, speech pathologist, audiologist, pharmacist,
29 physical therapist, physical therapist assistant, occupational
30 therapist, occupational therapy assistant, orthotist,
31 prosthetist, pedorthist, respiratory care practitioner,
32 practitioner of cosmetology arts and sciences, practitioner
33 of barbering, funeral director, dietitian, marital and
34 family therapist, clinical art therapist, mental health
35 counselor, respiratory care and polysomnography practitioner,

1 polysomnographic technologist, social worker, massage
2 therapist, athletic trainer, acupuncturist, nursing home
3 administrator, hearing aid specialist, or sign language
4 interpreter or transliterator means a person licensed under
5 this subtitle.

6 6. "*Profession*" means medicine and surgery, podiatry,
7 osteopathic medicine and surgery, practice as a physician
8 assistant, psychology, chiropractic, nursing, dentistry,
9 dental hygiene, dental assisting, optometry, speech
10 pathology, audiology, pharmacy, physical therapy, physical
11 therapist assisting, occupational therapy, occupational
12 therapy assisting, respiratory care, cosmetology arts and
13 sciences, barbering, mortuary science, marital and family
14 therapy, clinical art therapy, mental health counseling,
15 polysomnography, social work, dietetics, massage therapy,
16 athletic training, acupuncture, nursing home administration,
17 practice as a hearing aid specialist, sign language
18 interpreting or transliterating, orthotics, prosthetics, or
19 pedorthics.

20 Sec. 3. Section 147.2, subsection 1, Code 2016, is amended
21 to read as follows:

22 1. A person shall not engage in the practice of medicine
23 and surgery, podiatry, osteopathic medicine and surgery,
24 psychology, chiropractic, physical therapy, physical
25 therapist assisting, nursing, dentistry, dental hygiene,
26 dental assisting, optometry, speech pathology, audiology,
27 occupational therapy, occupational therapy assisting,
28 orthotics, prosthetics, pedorthics, respiratory care, pharmacy,
29 cosmetology arts and sciences, barbering, social work,
30 dietetics, marital and family therapy, clinical art therapy, or
31 mental health counseling, massage therapy, mortuary science,
32 athletic training, acupuncture, nursing home administration,
33 or sign language interpreting or transliterating, or shall not
34 practice as a physician assistant or a hearing aid specialist,
35 unless the person has obtained a license for that purpose from

1 the board for the profession.

2 Sec. 4. Section 147.13, subsection 16, Code 2016, is amended
3 to read as follows:

4 16. For marital and family therapy, clinical art therapy,
5 and mental health counseling, the board of behavioral science.

6 Sec. 5. Section 147.14, subsection 1, paragraph m, Code
7 2016, is amended to read as follows:

8 *m.* For behavioral science, three members licensed to
9 practice marital and family therapy, all of whom shall be
10 practicing marital and family therapists; three members
11 licensed to practice mental health counseling, one of whom
12 shall be employed in graduate teaching, training, or research
13 in mental health counseling and two of whom shall be practicing
14 mental health counselors; one member licensed to practice
15 clinical art therapy; and ~~three~~ two members who are not
16 licensed to practice marital and family therapy, clinical art
17 therapy, or mental health counseling and who shall represent
18 the general public.

19 Sec. 6. Section 147.74, Code 2016, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 14A. A clinical art therapist licensed
22 under chapter 154D and this chapter may use the words "licensed
23 clinical art therapist" after the person's name or signify the
24 same by the use of the letters "L.C.A.T." after the person's
25 name. A clinical art therapist licensed under chapter 154D and
26 this chapter who possesses a doctoral degree may use the prefix
27 "Doctor" or "Dr." in conjunction with the person's name, but
28 shall add after the person's name the words "licensed clinical
29 art therapist" or letters "L.C.A.T.".

30 Sec. 7. Section 154D.1, Code 2016, is amended by adding the
31 following new subsections:

32 NEW SUBSECTION. 01. "*Art therapy*" means the use by
33 a licensed clinical art therapist of psychotherapeutic
34 principles, art media, and the creative process to assist
35 individuals, families, or groups in increasing awareness of

1 self and others, coping with symptoms, stress, and traumatic
2 experiences, and enhancing their own cognitive abilities,
3 and the identification and implementation by a licensed
4 clinical art therapist of therapeutic interventions to meet
5 the developmental, behavioral, mental, and emotional needs of
6 individuals, families, or groups.

7 NEW SUBSECTION. 1A. "*Clinical art therapy*" means the
8 application of art therapy principles and methods in the
9 diagnosis, prevention, treatment, and amelioration of
10 psychological problems and emotional or mental conditions.

11 NEW SUBSECTION. 1B. "*Licensed clinical art therapist*"
12 means a person licensed to practice clinical art therapy under
13 chapter 147 and this chapter.

14 NEW SUBSECTION. 7A. "*Temporary licensed clinical art*
15 *therapist*" means a person licensed to practice clinical art
16 therapy under supervision in accordance with section 154D.7.

17 Sec. 8. Section 154D.1, subsections 4 and 7, Code 2016, are
18 amended to read as follows:

19 4. "*Licensee*" includes a licensed marital and family
20 therapist, a licensed clinical art therapist, and a licensed
21 mental health counselor.

22 7. "*Temporary license*" means a license to practice marital
23 and family therapy, clinical art therapy, or mental health
24 counseling under direct supervision of a qualified supervisor
25 as determined by the board by rule to fulfill the postgraduate
26 supervised clinical experience requirement in accordance with
27 this chapter.

28 Sec. 9. Section 154D.3, subsection 1, paragraph e, Code
29 2016, is amended to read as follows:

30 e. Educational activities which fulfill continuing education
31 requirements for license renewals. Continuing education
32 requirements relating to licensed clinical art therapists shall
33 be consistent with requirements to maintain certification as
34 a board-certified art therapist in good standing with the art
35 therapy credentials board.

1 Sec. 10. Section 154D.4, Code 2016, is amended to read as
2 follows:

3 **154D.4 Exemptions.**

4 1. **This chapter** and **chapter 147** do not prevent qualified
5 members of other professions, including but not limited to
6 nurses, psychologists, social workers, physicians, physician
7 assistants, attorneys at law, or members of the clergy,
8 from providing or advertising that they provide services
9 of a marital and family therapy, clinical art therapy, or
10 mental health counseling nature consistent with the accepted
11 standards of their respective professions, but these persons
12 shall not use a title or description denoting that they are
13 licensed marital and family therapists, licensed clinical art
14 therapists, or licensed mental health counselors.

15 2. The licensure requirements of **this chapter** and chapter
16 147 do not apply to the following:

17 a. Students whose activities are conducted within a course
18 of professional education in marital and family therapy,
19 clinical art therapy, or mental health counseling.

20 b. A person who practices marital and family therapy,
21 clinical art therapy, or mental health counseling under the
22 supervision of a person licensed under **this chapter** as part
23 of a clinical experience as described in section 154D.2,
24 subsection 2, or section 154D.8, subsection 1, paragraph "b".

25 c. The provision of children, family, or mental health
26 services through the department of human services or juvenile
27 court, or agencies contracting with the department of human
28 services or juvenile court, by persons who do not represent
29 themselves to be either a marital and family therapist, a
30 clinical art therapist, or a mental health counselor.

31 Sec. 11. Section 154D.5, Code 2016, is amended to read as
32 follows:

33 **154D.5 Sexual conduct with client.**

34 The license of a marital and family therapist, a clinical art
35 therapist, or a mental health counselor shall be revoked if the

1 board finds that the licensee engaged in sexual activity with a
2 client as determined by board rule. The revocation shall be in
3 addition to any other penalties provided by law.

4 Sec. 12. Section 154D.7, Code 2016, is amended to read as
5 follows:

6 **154D.7 Temporary license — ~~marital and family therapy —~~**
7 **~~mental health counseling — fees.~~**

8 Any person who has fulfilled all of the requirements for
9 licensure under [this chapter](#), except for having completed
10 the postgraduate supervised clinical experience requirement
11 as determined by the board by rule, may apply to the board
12 for a temporary license. The license shall be designated
13 "temporary license in marital and family therapy", "temporary
14 license in clinical art therapy", or "temporary license in
15 mental health counseling" and shall authorize the licensee to
16 practice marital and family therapy, clinical art therapy, or
17 mental health counseling under the supervision of a qualified
18 supervisor as determined by the board by rule. The license
19 shall be valid for three years and may be renewed at the
20 discretion of the board. The fee for a temporary license
21 shall be set by the board to cover the administrative costs of
22 issuing the license, and if renewed, a renewal fee as set by
23 the board shall be required.

24 Sec. 13. NEW SECTION. **154D.8 Licensure — clinical art**
25 **therapy.**

26 1. An applicant for a license to practice clinical art
27 therapy shall be granted a license by the board when the
28 applicant satisfies all of the following requirements:

29 a. Possesses a master's or doctoral degree from a nationally
30 accredited institution consisting of at least sixty semester
31 hours, or its equivalent, in an art therapy program approved
32 by the American art therapy association or its successor, or a
33 substantially equivalent program as approved by the board.

34 b. Has at least two years of supervised experience or its
35 equivalent as approved by the board that includes experience

1 in a clinical setting that provides opportunities to diagnose,
2 treat, appraise, and assess mental, emotional, behavioral, and
3 addiction disorders in both individual and group settings, as
4 determined by the board by rule. Standards for supervision,
5 including the requirement that supervision be provided by
6 an art therapy certified supervisor credentialed by the art
7 therapy credentials board or other qualified licensed mental
8 health professional approved by the board, shall be determined
9 by the board by rule.

10 c. Passes the national board examination of the art therapy
11 credentials board or its successor.

12 2. The board may make a determination that a program is
13 substantially equivalent to a master's degree program in art
14 therapy approved by the American art therapy association or its
15 successor if the program includes an art therapy internship
16 of not less than six hundred hours that is performed under
17 supervision and is part of an approved course of study and
18 graduate-level courses and training in the following areas:

19 a. The art therapy profession.

20 b. Theory and practice of art therapy.

21 c. Human growth and developmental dynamics in art.

22 d. Application of art therapy with people in different
23 treatment settings.

24 e. Art therapy appraisal, diagnosis, and assessment.

25 f. Ethical and legal issues of art therapy practice.

26 g. Matters of cultural and social diversity bearing on the
27 practice of art therapy.

28 h. Standards of good art therapy practice.

29 i. Group art therapy.

30 Sec. 14. TRANSITION PROVISIONS.

31 1. Notwithstanding sections 147.14, as amended in this
32 Act, and 147.16, the governor may appoint, as the initial
33 member licensed to practice clinical art therapy to the board
34 of behavioral science pursuant to section 147.14, subsection
35 1, paragraph "m", as amended in this Act, an individual who

1 is credentialed as a board-certified art therapist by the
2 art therapy credentials board with experience and expertise
3 substantially equivalent to the requirements for licensure as a
4 clinical art therapist under section 154D.8, as enacted in this
5 Act.

6 2. Notwithstanding section 154D.8, subsection 1, as
7 enacted in this Act, during the period of one year from the
8 effective date of rules implementing this Act, the board
9 may grant a license to practice clinical art therapy for an
10 applicant who provides documentation satisfactory to the board
11 that the applicant holds a credential in good standing as a
12 board-certified art therapist with the art therapy credentials
13 board and has been engaged in the practice of clinical art
14 therapy for not less than five years at the time of the
15 effective date of rules adopted by the board to implement this
16 Act, which shall include experience in a clinical setting
17 that provides substantial opportunities to diagnose, treat,
18 appraise, and assess mental, emotional, behavioral, and
19 addiction disorders in both individual and group settings, as
20 determined by the board by rule.

21 Sec. 15. EFFECTIVE DATE AND IMPLEMENTATION. This Act
22 shall take effect January 1, 2017, except that the board of
23 behavioral science may begin implementation prior to that date,
24 to the extent necessary to fully implement the provisions
25 providing for the licensure of clinical art therapists by
26 January 1, 2017.

EXPLANATION

28 The inclusion of this explanation does not constitute agreement with
29 the explanation's substance by the members of the general assembly.

30 This bill provides for the licensure of clinical art
31 therapists. Under the bill, the board of behavioral science
32 shall administer the licensure of clinical art therapists and
33 shall adopt rules relating to the practice of clinical art
34 therapy. The bill modifies the membership of the board of
35 behavioral science to add one clinical art therapist and remove

1 one public member. The bill provides that persons not licensed
2 under the bill but referring to themselves as clinical art
3 therapists or using other similar terms or abbreviations shall
4 be guilty of a simple misdemeanor. A simple misdemeanor is
5 punishable by confinement for no more than 30 days or a fine of
6 at least \$65 but not more than \$625 or by both.

7 The bill defines several terms including "art therapy"
8 and "clinical art therapy". The bill provides for temporary
9 licensure of clinical art therapists and sets forth standards
10 for continuing education requirements for licensed clinical
11 art therapists. The bill requires that to acquire a license
12 to practice art therapy, an applicant must have a master's or
13 doctoral degree in art therapy from a program approved by the
14 American art therapy association or another program approved
15 by the board of behavioral science, pass a national board
16 examination, and complete at least two years of supervised
17 experience.

18 The bill includes licensed certified art therapists as
19 "health care providers" eligible to provide services through
20 the volunteer health care provider program created in Code
21 section 135.24. The bill provides that the board of behavioral
22 science may waive the licensing requirements established by
23 the bill for persons with certain qualifications in the first
24 year after rules implementing the licensure of clinical art
25 therapists are adopted. The bill includes an effective date of
26 January 1, 2017, except that the board of behavioral science
27 may begin implementation prior to that date, to the extent
28 necessary to fully implement the provisions providing for the
29 licensure of clinical art therapists by January 1, 2017.